THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27053 OF 2005

DATED:20.12.2005

Between:

S. Anwar and others

…Petitioners

And

The District Collector,

Chittoor District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27053 OF 2005

ORDER:

The petitioners claim to be owners and possessors of land admeasuring Acs.0.91 in S.No.973/1B, Acs.0.10 in S.No.973/2A, Ac.1.00 in S.No.973/2B, Ac.1.00 in S.No.973/2C, Acs.0.19 in S.No.973/2D, Acs.0.35 in S.No.973/2E, Acs.0.50 in S.No.973/3A, Acs.0.81 in S.No.973/3C, Acs.0.50 in S.No.973/3D of Palamaneru Village. They allege that the land originally belong to one Balamani, who sold the property on 31.12.1937 to one Vallamma. Under a gift deed she gave the property to her family members who sold the property to Ratnamma under three registered sale deeds. The petitioners 2 to 7 herein purchased the property from the legal heirs of Ratnamma under registered sale deed dt.18.4.1988 and since then the petitioners are in possession of the land. They also obtained pattadar pass books from the third

respondent.

The third respondent initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act) and accordingly issued notice dt.9.8.2005 to subsequent purchasers, including the petitioners herein. It appears, no explanation was submitted pursuant to the show cause notice and therefore the third respondent passed orders on 8.12.2005 resuming the land to the Government duly cancelling the pattas issued to assignees. After receiving the orders, the petitioners approached the second respondent under Section 4-A of the Act. They also moved an application for stay. As no orders are passed and there is a likelihood of demolition of the existing structures on the property, the petitioners filed the present Writ Petition challenging the order of the third respondent.

This Court has heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment). It is well settled that when a person aggrieved by a decision of public authority avails statutory remedy provided under the Act, a Writ Petition is not maintainable. This legal position is not denied. The grievance of the petitioner, however, is regarding non-disposal of the application for stay filed by them before the second respondent. Therefore, interest of justice would be served by directing the second respondent to dispose of the appeal filed by the petitioners against the proceedings of the third respondent within a period of three weeks from the date of receipt of a copy of this order. As the petitioners alleged that they are in possession of the property, there shall be *status quo* for a period of three weeks from today.

The Writ Petition with the above observations and directions is accordingly disposed of.

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(V.V.S.RAO, J)

20.12.2005

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Note:Issue C.C. by 21.12.2005.

(B.O)

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